

## **Domain disputes**

### **Abstract**

This rigorous thesis named *“Domain disputes”* deals with today’s topical issues. *It is divided into three chapters. In the first chapter, I will try to shed light on the “domain name, its legal and technical limitations and principles of its registration”.* Domain name limitations from the legal point of view represent the nature of a domain name in the Czech Republic. Domain name is perceived to be an object, as absolute and relative right or as other property value. *From the technical point of view it is a structure and categorization of domain names into top level domains, secondary domains and tertiary domains or sub-domains.*

*The most important and principal part of this thesis is contained in its second and third chapter “Settling domain name disputes, including settling of domain name disputes by extra-judicial authorities”.* Here I deal with the various forms of misuse of domain name, dispute-solving possibilities in respect to domain names in the Czech Republic both in extra-judicial way and in alternative solutions.

*The second chapter of this thesis dealing with “settling domain name disputes” targets the forms of domain name abuses, registration of domain names with speculative intentions, when the aim is to subsequently transfer domain names at a profit. It is these situations that most often lead to domain name disputes. Domain names can have relatively high value, which may be expressed in money and thus they become the target of successful and unsuccessful attempts to utilize all possibilities to create a profit. They are the target of some individuals, who seek to enrich themselves.*

*In the next part of the second chapter I deal with the “settling of domain name disputes in the Czech Republic”.* Here I concentrate on *the extra-judicial settling* of domain name disputes, which take place in arbitration proceedings before the Arbitration Court of the Czech Chamber of Commerce of the Czech Republic and the Czech Chamber of Agriculture of the Czech Republic and *to settling of domain name disputes* before general courts, where their competence is determined in line with Act no. 99/1963 Coll. of Civil Court Procedure.

*The third chapter of this thesis deals with settling of domain name disputes by extra-judicial authorities. Attention is paid to “settling of disputes between the association of legal entities CZ.NIC and domain name holders” and “settling of disputes between the domain name holder and*

*third parties in extra-judicial manner*". An integral part are the "*rules for alternative settling of disputes in extra-judicial settlement in respect to domain names between their holders and third parties*". As of March 1<sup>st</sup>, 2015 this new document named "Rules of alternative settling of disputes" is part of the Rules for registration of domain names in ccTLD.CZ.

Domain name disputes are settled before the Arbitration Court of the Arbitration Court of the Czech Chamber of Commerce of the Czech Republic and the Czech Chamber of Agriculture of the Czech Republic in line with the Code of the Arbitration Court of the Arbitration Court of the Czech Chamber of Commerce of the Czech Republic and the Czech Chamber of Agriculture of the Czech Republic, effective of October 1<sup>st</sup>, 2015, which includes the Code of online arbitration proceedings.

**Klíčová slova: domains, organs, disputes**